AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

Listing of Claims:

Claim 1 (Currently Amended): An apparatus for coding a moving image, comprising:

a coding unit configured to generate a code of each frame of the moving image;

a first verification unit configured to calculate a first ~~code quantity predicted to be stored in~~ occupancy of a buffer of a virtual decoding apparatus if the code were to be supplied to the buffer ~~in a virtual decoding apparatus~~ by a first bit rate;

a second verification unit configured to calculate a second ~~code quantity predicted to be stored in~~ occupancy of the buffer and a change rate of the second ~~code quantity~~ occupancy if the code were to be supplied to the buffer ~~in the virtual decoding apparatus~~ by a second bit rate lower than the first bit rate; and

a control unit configured to change a coding bit rate of said coding unit based on the first ~~code quantity~~ occupancy, the second ~~code quantity~~ occupancy, and the change rate.

Claim 2 (Currently Amended): The apparatus according to claim 1,

wherein said control unit controls said coding unit not to code all or a part of one frame if the first ~~code quantity~~ occupancy satisfies a predetermined condition.

Claim 3 (Currently Amended): The apparatus according to claim 2,

wherein the predetermined condition is that a possibility of underfloor of the buffer is high based on the first ~~code quantity~~ occupancy, and

wherein the one frame is a next frame to the present frame from which the code is generated.

Claim 4 (Original): The apparatus according to claim 1,

wherein the first bit rate is the highest value of input bit rate to the buffer of the virtual decoding apparatus.

Claim 5 (Original): The apparatus according to claim 1,

wherein the second bit rate is a target value of average bit rate of the code generated from said coding unit.

Claim 6 (Original): The apparatus according to claim 1, wherein said coding unit executes compression coding with quantization.

Claim 7 (Currently Amended): The apparatus according to claim 6, wherein said control unit calculates a code quantity to be assigned to one or a plurality of frames based on the second ~~code quantity~~ occupancy and the change rate, determines an upper limit and a lower limit of a quantization scale as a parameter of a coding level based on the first ~~code quantity~~ occupancy, the second ~~code quantity~~ occupancy and the change rate, and changes the quantization scale of said coding unit based on the code quantity, the upper limit and the lower limit.

Claim 8 (Currently Amended): The apparatus according to claim 7,

wherein said control unit corrects the upper limit upward if the first ~~code quantity~~ occupancy is below a first threshold, calculates an evaluation value based on the second ~~code quantity~~ occupancy and the change rate, corrects the upper limit based on the evaluation value if the evaluation value is below a second threshold, and corrects the lower limit based on the evaluation value if the evaluation value is above a third threshold.

Claim 9 (Currently Amended): The apparatus according to claim 7,

wherein said control unit changes the quantization scale so that the second ~~code quantity~~ occupancy is above the lower limit of the second ~~code quantity~~ occupancy.

Claim 10 (Currently Amended): The apparatus according to claim 9,

wherein said control unit changes the lower limit of the second ~~code quantity~~ occupancy.

Claims 11-20 (Canceled).